



UNITED STATES PATENT AND TRADEMARK OFFICE

cel

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,232	08/03/2001	Rajko Milovanovic	TI-32647	9094
23494	7590	01/12/2006	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED			CHANG, SHIRLEY	
P O BOX 655474, M/S 3999				
DALLAS, TX 75265			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 10/28/05 have been fully considered but they are not persuasive with respect to arguments pertaining to the amended limitations and the applied art of record not teaching the amended limitations. The fingerprint is not active participation in view of applicant's specification, which discloses that a fingerprint sensor in a remote controller is considered without active participation (page 6, lines 9-12). Active is defined in the specification as the user typing in a password, ID, etc. The examiner respectfully disagrees and refers to the grounds of rejection.

Claim Objections

Claim 6 is objected to because of the following informalities: lack of antecedence to the term "the recognition technology device." There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "recognition technology device."

Claim 33 recites the limitation "the device of claim 28."

Claim 34 recites the limitation "the device of claim 30."

Appropriate action is required.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 10, 12-13, 19, 29, 33-34, 37, and 41 are rejected under 35 U.S.C. § 102(b) as being anticipated by Merjanian (5,920,642).

As to claim 1, Merjanian discloses:

a data acquisition device for acquiring data related to a user without active user input or participation ('The prompt for entering fingerprint data may be a transparent step as part of a menu selection process' (column 11, lines 18-46)),

the device including a sensor located therein (The ergonomic reader 200 may be used as a wireless controller, as previously described. Again, the ergonomic reader 200 of FIG. 7 includes an aperture 48 within the first surface 246 so that the platen 30 is exposed so that fingerprint data may be acquired from the operator's digit 32" (column 8, lines 8-22)).

Art Unit: 2614

and an apparatus capable of presenting customized content to the user, the customized content being related to the acquired data related to the user ('The display or step is preferably programmed into the set-top box by way of software to appear whenever identification or authentication is required, for example, to obtain access or to restore operator preferences. Confirmation of the validation may be by completing the channel selection, for example, allowing access to a restricted channel, or, in the case of programming that is to appear at a later time such as a pay-per-view movie that starts at the beginning of the next hour, by an icon or text on the screen' (column 8, lines 8-22)). Also, "the authentication remote control according to the invention may provide operator identification for restoring operator preferences including: pre-stored settings for audio (bass, treble, etc.), video (color, hue brightness), favorite channels, operator-tailored menus, viewing habits, etc. For example, the channels of particular interest to each individual, the so called "favorite channels" or channel priority configurations can be stored within a storage means in the set-top box (or side-car attached thereto) so that the individual can restore these configurations by informing the system that he or she is now in control of the authentication remote, as by inputting his or her fingerprint data on the platen 30" (column 11, lines 54-65).

As to claim 10, Merjanian discloses:

means for acquiring data related to a user without active user input or participation (met as discussed in claim 1)

Art Unit: 2614

the means for acquiring data including a sensor located therein (met as discussed in claim 1);

and means for presenting customized content to a user in response to parameters associated with recognition of the user (met as discussed in claim 1).

As to claim 12, Merjanian discloses:

a sensor capable of acquiring data related to a user without active user input or participation (met as discussed in claim 1);

a processor communicatively coupled to the sensor ("The remote control determines when it has an adequate fingerprint image by locally performing processing, analysis, or both, and then transmits the image to the receiving device. The receiving device then notifies the operator that the fingerprint data has been received for validation by an on-screen icon, text, or by transmitting a signal to the remote control that indicates that the fingerprint data has been received" (column 11, lines 18-46).

the determining characteristics of the user based upon the acquired data (met as discussed in claim 1);

and a display providing content to be viewed by the user (met as discussed in claim 1);

the content being customized for the user based upon the characteristics determined by the processor (met as discussed in claim 1);

As to claim 13, Merjanian discloses:

Art Unit: 2614

the sensor is embedded in a remote control device ("The remote control determines when it has an adequate fingerprint image by locally performing processing, analysis, or both, and then transmits the image to the receiving device. The receiving device then notifies the operator that the fingerprint data has been received for validation by an on-screen icon, text, or by transmitting a signal to the remote control that indicates that the fingerprint data has been received" (column 11, lines 18-46);

the remote control device having a plurality of control keys capable of providing signals to control the display and having a fingerprint sensor embedded in one of the control keys (fig. 7 shows a plurality of keys such as 212 and 30 which affects such controls as channel up/down and menu up/down [8, 8-23]; [7, 44-67]. Since key 30 can determine access to a restricted channel, key 30 is effectively a control key which 'controls the display' [11, 17-46]).

As to claim 19, Merjanian discloses:

collecting user data without active identification measures by the user; determining characteristics of the user from the collected user data; and providing customized content to the user based upon the determined characteristics (met as discussed in claim 1).

As to claim 29, Merjanian discloses:

a housing ("The specific shape chosen for a particular application being a matter of design choice, all that is important to the invention is that the housing be provided with a prehensile shape" (column 5, lines 48-59));

Art Unit: 2614

electronic circuitry disposed within the housing ("FIG. 4 also depicts the physical relationship among the assembled components that constitute the uneven surface detection system 62 of FIG. 3. In particular, the printed circuit board 66 and optical plate 64 assembly are secured in position by the tape 78 immediately below the planar surface 46. In addition, the platen 30 is shown aligned with the aperture 48 so that a digit 32 placed on the top surface 31 of the platen 30 can provide input data to an image sensing device 68 mounted on the printed circuit board 66 along with a complement of other electronic components 70A, B, . . . N" (column 6, line 63 to column 7, line 6).

a signal transmitter disposed within the housing ("The remote control determines when it has an adequate fingerprint image by locally performing processing, analysis, or both, and then transmits the image to the receiving device. The receiving device then notifies the operator that the fingerprint data has been received for validation by an on-screen icon, text, or by transmitting a signal to the remote control that indicates that the fingerprint data has been received" (column 11, lines 18-46);

a plurality of control keys disposed on an outer surface of the housing, at least some of the control keys operable by hand ("the ergonomic reader 200 has a plurality of buttons 212...the fingerprint data may be acquired from the operator's digit 32" (column 8, lines 8-22));

and a fingerprint sensor embedded in one of the control keys (fig. 7 shows a plurality of keys such as 212 and 30 which affects such controls as channel up/down and menu up/down [8, 8-23]; [7, 44-67]. Since key 30 can determine access to a restricted

Art Unit: 2614

channel, key 30 is effectively a control key which 'controls the display' [11, 17-46] ;"the ergonomic reader 200 of Fig. 7 includes an aperture 48 within the first surface 246 so that the platen 30 is exposed so that the fingerprint data may be acquired from the operator's digit 32" (column 8, lines 8-22).

As to claim 33, Merjanian discloses:

The control keys include at least some control keys disposed in a thumb actuated cross configuration; the fingerprint sensor is integrated within a middle portion of the thumb operated cross configuration ([8, 8-22]; [12, 38-45]).

As to claim 34, Merjanian discloses:

The control keys include an activation key operable to activate the remote control device; the fingerprint sensor is embedded in the activation key (fig. 7 shows a plurality of keys such as 212 and 30 which affects such controls as channel up/down and menu up/down [8, 8-23]; [7, 44-67]. Since key 30 can determine access to a restricted channel, key 30 is effectively a control key which 'controls the display' [11, 17-46]; "the ergonomic reader 200 of Fig. 7 includes an aperture 48 within the first surface 246 so that the platen 30 is exposed so that the fingerprint data may be acquired from the operator's digit 32" (column 8, lines 8-22).

As to claim 37, Merjanian discloses:

The data acquisition device comprises a remote control device having a plurality of control keys and a fingerprint sensor embedded in one of the control keys (fig. 7 shows

Art Unit: 2614

a plurality of keys such as 212 and 30 which affects such controls as channel up/down and menu up/down [8, 8-23]; [7, 44-67]. Since key 30 can determine access to a restricted channel, key 30 is effectively a control key which 'controls the display' [11, 17-46]; "the ergonomic reader 200 of Fig. 7 includes an aperture 48 within the first surface 246 so that the platen 30 is exposed so that the fingerprint data may be acquired from the operator's digit 32" (column 8, lines 8-22).

As to claim 41, Merjanian discloses:

The means for acquiring data comprises a remote control device having a plurality of control keys and a fingerprint sensor embedded in one of the control keys (fig. 7 shows a plurality of keys such as 212 and 30 which affects such controls as channel up/down and menu up/down [8, 8-23]; [7, 44-67]. Since key 30 can determine access to a restricted channel, key 30 is effectively a control key which 'controls the display' [11, 17-46]; "the ergonomic reader 200 of Fig. 7 includes an aperture 48 within the first surface 246 so that the platen 30 is exposed so that the fingerprint data may be acquired from the operator's digit 32" (column 8, lines 8-22).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter

Art Unit: 2614

as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20, 35, 39, and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Merjanian (5,920,642) in view of Slaney et al. (6968565).

As to claim 20,

Merjanian does not specifically disclose the user data comprises voice data; the step of collecting user data comprises collecting voice data via a microphone. Slaney discloses the user data comprises voice data; the step of collecting user data comprises collecting voice data via a microphone ([5, 22-51]; [11, 54] to [12, 16]; [7, 12-43]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Merjanian with Slaney so as to 'identify a content observer for purposes of enabling customized material to the observer and inhibiting unauthorized access to signal(s) produced by those data acquisition device(s) and processing devices used to identify content observer(s)' ([7, 12-43]; [2, 51] to [3, 21]).

As to claim 35,

Merjanian does not specifically disclose the data acquisition device comprises a microphone. Slaney discloses the data acquisition device comprises a microphone ([5, 22-51]; [11, 54] to [12, 16]; [7, 12-43]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Merjanian with Slaney so as to 'identify a content observer for purposes of enabling customized

Art Unit: 2614

material to the observer and inhibiting unauthorized access to signal(s) produced by those data acquisition device(s) and processing devices used to identify content observer(s)' ([7, 12-43]; [2, 51] to [3, 21]).

As to claim 39,

Merjanian does not specifically disclose the data acquisition device comprises a microphone. Slaney discloses the data acquisition device comprises a microphone ([5, 22-51]; [11, 54] to [12, 16]; [7, 12-43]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Merjanian with Slaney so as to 'identify a content observer for purposes of enabling customized material to the observer and inhibiting unauthorized access to signal(s) produced by those data acquisition device(s) and processing devices used to identify content observer(s)' ([7, 12-43]; [2, 51] to [3, 21]).

As to claim 43,

Merjanian does not specifically disclose the sensor comprises a microphone. Slaney discloses the sensor comprises a microphone ([5, 22-51]; [11, 54] to [12, 16]; [7, 12-43]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Merjanian with Slaney so as to 'identify a content observer for purposes of enabling customized material to the observer and inhibiting unauthorized access to signal(s) produced by those data acquisition device(s) and processing devices used to identify content observer(s)' ([7, 12-43]; [2, 51] to [3, 21]).

Art Unit: 2614

3. Claim(s) 2, 22, 38, and 42 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lu (5771307) in view of Slaney (6968565).

As to claim 2,

Lu teaches:

a data acquisition device for acquiring data related to a user without active user input or participation; the device including a sensor located therein ([2, 56] to [3, 16]).

the data acquisition device is selected from the group consisting of a video camera ([2, 56] to [3, 16]).

Lu does not specifically disclose an apparatus capable of presenting customized content to the user, the customized content being related to the acquired data related to the user. Slaney discloses an apparatus capable of presenting customized content to the user, the customized content being related to the acquired data related to the user ([7, 11-42]; fig. 2; [6, 9] to [7, 5]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lu with Slaney so as to display targeted content related to identification of a content observer (Slaney [1, 32-39]).

As to claim 22,

Lu teaches:

Art Unit: 2614

collecting user data without active identification measure by the user; determining characteristics of the user from the collected user data ([2, 56] to [3, 16]).

The step of collecting user data comprises collecting video data via a video camera ([2, 56] to [3, 16]).

Lu does not specifically disclose providing customized content to the user based upon determined characteristics. Slaney discloses providing customized content to the user based upon determined characteristics ([7, 11-42]; fig. 2; [6, 9] to [7, 5]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lu with Slaney so as to display targeted content related to identification of a content observer (Slaney [1, 32-39]).

As to claim 38,

Lu teaches:

Means for acquiring data related to a user without active user input or participation, the means for acquiring data including a sensor located therein ([2, 56] to [3, 16]).

The means for acquiring data comprises a video camera ([2, 56] to [3, 16]).

Lu does not specifically disclose means for presenting customized content to a user in response to parameters associated with recognition of the user. Slaney discloses means for presenting customized content to a user in response to parameters associated with recognition of the user ([7, 11-42]; fig. 2; [6, 9] to [7, 5]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was

Art Unit: 2614

made to modify Lu with Slaney so as to display targeted content related to identification of a content observer (Slaney [1, 32-39]).

As to claim 42,

Lu teaches:

A sensor capable of acquiring data related to a user without active user input or participation; a processor communicatively coupled to the sensor, the determining characteristics of the user based upon the acquired data ([2, 56] to [3, 16]).

The sensor comprises a video camera ([2, 56] to [3, 16]).

A display providing content to be viewed by the user (fig. 1, element 12),

Lu does not specifically disclose the content being customized for the user based upon the characteristics determined by the processor. Slaney discloses the content being customized for the user based upon the characteristics determined by the processor ([7, 11-42]; fig. 2; [6, 9] to [7, 5]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lu with Slaney so as to display targeted content related to identification of a content observer (Slaney [1, 32-39]).

4. Claim(s) 6, 36, 40, and 44 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lownes (6137539) in view of Lu (5771307), and in further view of Slaney (6968565).

Art Unit: 2614

As to claim 6,

Lownes teaches "In this system configuration, a digital television receiver 90, which, in the exemplary embodiment of the invention, is a set-top box (STB)" (column 2, lines 50-65). Lownes does not specifically disclose the recognition technology device located within a television set. Lu teaches the recognition technology device located within a television set ([8, 52] to [9, 20]; [2, 56] to [3, 26]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lownes with Lu so as to "identify a member of the television audience to be identified and tracked for marketing research applications" (Lu [2, 56] to [3, 26]).

Lu teaches:

a data acquisition device for acquiring data related to a user without active user input or participation; the device including a sensor located therein ([2, 56] to [3, 16]).

Lownes in view of Lu does not specifically disclose and an apparatus capable of presenting customized content to the user, the customized content being related to the acquired data related to the user. Slaney discloses and an apparatus capable of presenting customized content to the user, the customized content being related to the acquired data related to the user ([7, 11-42]; fig. 2; [6, 9] to [7, 5]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lownes in view of Lu with Slaney so as to display targeted content related to identification of a content observer (Slaney [1, 32-39]).

As to claim 36,

Art Unit: 2614

Lownes teaches "In this system configuration, a digital television receiver 90, which, in the exemplary embodiment of the invention, is a set-top box (STB)" (column 2, lines 50-65). Lownes does not specifically disclose the recognition technology device located within a television set. Lu teaches the recognition technology device located within a television set ([8, 52] to [9, 20]; [2, 56] to [3, 26]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lownes with Lu so as to "identify a member of the television audience to be identified and tracked for marketing research applications" (Lu [2, 56] to [3, 26]).

Lu teaches:

a data acquisition device for acquiring data related to a user without active user input or participation; the device including a sensor located therein ([2, 56] to [3, 16]).

Lownes in view of Lu does not specifically disclose and an apparatus capable of presenting customized content to the user, the customized content being related to the acquired data related to the user. Slaney discloses and an apparatus capable of presenting customized content to the user, the customized content being related to the acquired data related to the user ([7, 11-42]; fig. 2; [6, 9] to [7, 5]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lownes in view of Lu with Slaney so as to display targeted content related to identification of a content observer (Slaney [1, 32-39]).

As to claim 40,

Art Unit: 2614

Lownes teaches "In this system configuration, a digital television receiver 90, which, in the exemplary embodiment of the invention, is a set-top box (STB)" (column 2, lines 50-65). Lownes does not specifically disclose the recognition technology device located within a television set. Lu teaches the recognition technology device located within a television set ([8, 52] to [9, 20]; [2, 56] to [3, 26]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lownes with Lu so as to "identify a member of the television audience to be identified and tracked for marketing research applications" (Lu [2, 56] to [3, 26]).

Lu teaches:

Means for acquiring data related to a user without active user input or participation, the means for acquiring data including a sensor located therein ([2, 56] to [3, 16]).

Lownes in view of Lu does not specifically disclose means for presenting customized content to a user in response to parameters associated with recognition of the user.

Slaney discloses means for presenting customized content to a user in response to parameters associated with recognition of the user ([7, 11-42]; fig. 2; [6, 9] to [7, 5]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lownes in view of Lu with Slaney so as to display targeted content related to identification of a content observer (Slaney [1, 32-39]).

As to claim 44,

Lownes teaches "In this system configuration, a digital television receiver 90, which, in the exemplary embodiment of the invention, is a set-top box (STB)" (column 2, lines 50-

Art Unit: 2614

65). Lownes does not specifically disclose the recognition technology device located within a television set. Lu teaches the recognition technology device located within a television set ([8, 52] to [9, 20]; [2, 56] to [3, 26]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lownes with Lu so as to "identify a member of the television audience to be identified and tracked for marketing research applications" (Lu [2, 56] to [3, 26]).

Lu teaches:

A sensor capable of acquiring data related to a user without active user input or participation; a processor communicatively coupled to the sensor, the determining characteristics of the user based upon the acquired data ([2, 56] to [3, 16]).

Lownes in view of Lu does not specifically disclose the content being customized for the user based upon the characteristics determined by the processor. Slaney discloses the content being customized for the user based upon the characteristics determined by the processor ([7, 11-42]; fig. 2; [6, 9] to [7, 5]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lownes in view of Lu with Slaney so as to display targeted content related to identification of a content observer (Slaney [1, 32-39]).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC



BRIAN P. YENKE
PRIMARY EXAMINER